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# HOUSE BILL No. 1127

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 4-6-9.1.

**Synopsis:** Gas price gouging. Permits the attorney general to investigate and take action against sellers of fuel, including gasoline, diesel fuel, heating fuel, and natural gas, who are engaged in price gouging in emergency situations.

**Effective:** Upon passage.

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January 8, 2002, read first time and referred to Committee on Human Affairs.

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Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

## HOUSE BILL No. 1127

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 4-6-9.1 IS ADDED TO THE INDIANA CODE AS  
2       A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON  
3       PASSAGE]:

4       **Chapter 9.1. Price Gouging in Declared Emergencies**

5       **Sec. 1. (a) This chapter applies to the period during which an**  
6       **emergency is declared and the twenty-four (24) hours before the**  
7       **declaration by the governor under IC 10-4-1-7 and IC 10-4-1-7.1.**

8       **(b) The definitions in IC 10-4-1-3 apply to this chapter.**

9       **Sec. 2. For purposes of this chapter, "price gouging" means**  
10       **charging a consumer an unconscionable amount for the sale of fuel,**  
11       **including gasoline, diesel fuel, heating fuel, and natural gas. Price**  
12       **gouging occurs if:**

13       **(1) the amount charged grossly exceeds the average price at**  
14       **which fuel, including gasoline and natural gas, was readily**  
15       **obtainable during the seven (7) days immediately before the**  
16       **declaration of emergency; and**

17       **(2) the increase in the amount charged is not attributable to**



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1 cost factors incurred by the seller.

2 **Sec. 3. The attorney general has the following powers and duties**  
3 **regarding price gouging:**

4 (1) To investigate complaints received claiming price gouging.

5 (2) To seek injunctive relief as appropriate.

6 (3) To seek restitution for victims of price gouging.

7 (4) To institute an action to levy and collect a civil penalty if  
8 an investigation proves the existence of price gouging.

9 **Sec. 4. If an investigation by the attorney general results in a**  
10 **finding of price gouging, the attorney general may bring an action**  
11 **in a circuit or superior court with jurisdiction in the county where**  
12 **the price gouging allegedly occurred. If the court finds that the**  
13 **seller engaged in price gouging, the court may assess a civil penalty**  
14 **against the seller. The civil penalty may not be more than one**  
15 **thousand dollars (\$1,000) per transaction.**

16 **Sec. 5. Civil penalties collected under section 4 of this chapter**  
17 **must be deposited in the state general fund.**

18 **SECTION 2. An emergency is declared for this act.**

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